

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

STATE OF KANSAS, et al.,

Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA, et al.,

Defendants-Appellants.

No. 24-3521

DESIGNATION AND STATEMENT OF ISSUES

Defendants-appellants the United States of America and Centers for Medicare & Medicaid Services submit the following designation and statement of issues under the Federal Rules of Appellate Procedure.

I. Designation of Appendix Method

Defendants-appellants and plaintiffs-appellees have conferred and agreed to proceed with a joint appendix under Eighth Circuit Rule 30A and Fed. R. App. P. 30. The parties have agreed on the contents of that joint appendix pursuant to Fed. R. App. P. 30(b)(1).

II. Statement of Issues

This case involves a challenge to a final rule promulgated by the Department of Health & Human Services. *See* 89 Fed. Reg. 39,392 (May 8, 2024). Defendants-appellants set forth the following general substantive issues for appeal. In drafting its brief, defendants-appellants may frame these issues differently.

1. Whether the district court erred in finding that plaintiffs had established standing to challenge the final rule.

2. Whether the district court erred in finding that plaintiffs had established proper venue in the District of North Dakota.

3. Whether the district court abused its discretion or otherwise erred when it imposed a preliminary injunction against defendants-appellants' enforcement of the final rule and a stay of the final rule's effective date.

Respectfully submitted,

MELISSA N. PATTERSON

s/ Leif Overvold

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system.

s/ Leif Overvold

Leif Overvold